UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MANSOR AL-SHIMARY,

        Petitioner,

                                          Case No. 11-cv-15675

v.

                                          Paul D. Borman
                                          United States District Judge

KENNETH McKEE,

        Respondent.

_____/

**OPINION AND ORDER DENYING APPLICATION TO PROCEED IN FORMA
PAUPERIS ON APPEAL (Dkt. No. 12)**

On December 28, 2011, Petitioner Mansor Al-Shimary filed a Petition for a Writ of Habeas

Corpus in this Court. (Dkt. No. 1.) The Court denied the petition in an Opinion and Order entered

on June 26, 2013. (Dkt. No. 8.) The Court also denied Petitioner a certificate of appealability

because reasonable jurists would not find the Court's assessment of Petitioner's claims to be

debatable or wrong. (June 26, 2013 Op. and Order at 10.) Nevertheless, Petitioner filed a Notice

of Appeal on July 15, 2013. (Dkt. No. 10.) Now before the Court is Petitioner's Affidavit of

Indigency, which seeks an order waiving Petitioner's filing fees in his appeal. (Dkt. No. 11.)

The Court has denied Petitioner a certificate of appealability because Petitioner has failed

to show "that reasonable jurists could debate whether (or, for that matter, agree that) the petition

should have been resolved in a different manner or that the issues presented were adequate to

deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal

quotation marks omitted). Accordingly, the Court concludes that Petitioner should not be granted

leave to proceed *in forma pauperis* on appeal as any appeal would be frivolous and cannot be taken

in good faith. *See* Fed. R. App. P. 24(a).

IT IS SO ORDERED.

                                        s/Paul D. Borman
                                        PAUL D. BORMAN
                                        UNITED STATES DISTRICT JUDGE

Dated: July 22, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 22, 2013.

                                        s/Deborah Tofil
                                        Case Manager